



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY MATERIEL COMMAND
5001 EISENHOWER AVENUE, ALEXANDRIA, VA 22333 - 0001

REPLY TO
ATTENTION OF

31 JUL 1997

AMCPE-CE (690-800)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Materiel Command (AMC) Workers' Compensation Policy Statement

1. The purpose of this memorandum is to transmit the AMC Workers' Compensation Policy.
2. The focus of the AMC Workers' Compensation Program is injury and illness prevention. The best way to minimize AMC workers' compensation claims is to prevent them by maintaining a "safe workplace" culture. Safety is not just a job for safety professionals, but a way of life which demands the commitment and enthusiastic participation of the major stakeholders, the employees of AMC. This goal is accomplished by:
 - a. Establishing and monitoring safe work practices;
 - b. Providing workplace safety training in conjunction with an established safety and occupational health program; and
 - c. Establishing management and employee safety responsibility and accountability.
3. In the event of a workplace accident, Commanders/Directors of AMC Major Subordinate Commands (MSC), installations, and activities will ensure that the supervisor of the injured employee will work with the employee, the physician, and the AMC installation workers' compensation administrator. Together they will develop an effective plan that meets the employee's needs and returns him or her to work as soon as possible. The Commanders and Directors of AMC MSCs, installations, and activities will provide a return-to-work program that:
 - a. Accommodates the employees' needs;
 - b. Encourages employees to return to work; and

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c. Encourages managers to provide modified work, when needed.

4. Our employees are entitled to first-class medical care and compensation benefits if they are injured by an accident arising out of the course of employment. Commanders and Directors must ensure every injured employee receives the full compensation entitlement. When the employee has been cleared to return to work by his or her physician, Commanders and Directors must ensure that he or she is returned to suitable productive employment as soon as possible. The enclosed AMC policy and Department of Defense (DOD) guidance will assist in accomplishing these objectives.

5. Major Subordinate Command and Installation Commanders/Activity Directors will ensure that each supervisor is provided initial and refresher workers' compensation training, as needed, and a copy of the AMC Workers' Compensation Policy Statement.

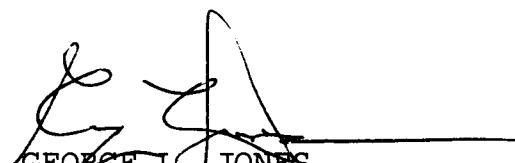
6. Point of contact is Elaine Twiner, DSN 767-3449.

7. AMC -- America's Arsenal for the Brave.

FOR THE COMMANDER:

2 Encls

1. AMC Workers' Compensation Policy Statement.
2. DOD Injury Compensation Regulation.


GEORGE L. JONES
Deputy Chief of Staff
for Personnel

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Policy Statement

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U.S. Army Materiel Command (AMC) Workers' Compensation Policy Statement

SCOPE. This policy requires a collaborative effort between the installation/activity offices of Safety and Occupational Health, Personnel, and the Installation/Activity Medical Authority, and employees and management at all levels to prevent accidents, administer compensation claims, and return employees to work as soon as medically feasible.

POLICY. The AMC provides coverage for all civilian employees in compliance with the Federal Employees' Compensation Act (FECA). Employees are entitled to compensation benefits if they are injured in an accident arising out of and in the course of employment. When an employee is absent from work under a FECA claim, the employee is not required to use accumulated sick or annual leave entitlement.

In the event of a work related injury, Commanders and Directors of AMC installations, and activities will ensure that workers' compensation administrators notify the regional Office of Workers' Compensation Programs (OWCP) of lost time within 10 days of the date the injury was reported. Therefore, within 2 working days of the injury, supervisors must complete and forward to the Civilian Personnel Office or the Civilian Personnel Advisory Center, the OWCP Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation; or the OWCP Form CA-2, Federal Employee's Notice of Occupational Disease and Claim for Compensation.

AMC installations and activities will maintain a return-to-work program that provides appropriate alternate work (light duty) for all employees who have been cleared to perform the work by their physician. Where there is no suitable alternate work that the employee can return to, graduated return-to-work will be considered. Here the worker returns to his or her normal work on a reduced hours basis. In situations where reemployment in the preinjury occupation is not feasible because of the employee's disabilities, the installation will try to retrain the employee.

All AMC installation and activity Commanders and Directors will publish an Installation or Activity Action Plan for the Workers' Compensation Program. All AMC supervisors will receive training on the Workers' Compensation Program. AMC supervisors who have not been trained at the time of publication of this policy will be trained within 120 days after publication. In the future all new supervisors and those new to AMC, will receive initial training within 6 months after appointment to their position. After the initial training has been accomplished, Commanders and Directors will ensure periodic training is conducted as needed.

OBJECTIVES. The objectives of the AMC workers' compensation policy are to:

- Identify work place hazards and develop countermeasures to prevent worker injuries and occupational illnesses.
- Promptly investigate accidents and conditions for potential injuries and occupational illnesses.
- Restore the employee to duty in a full or limited capacity as soon as possible.
- Ensure every injured worker receives his or her full compensation entitlement.
- Reduce the cost of claims by efficient and effective management practices.

WORKERS' COMPENSATION ADMINISTRATOR'S RESPONSIBILITIES.

1. Verify all information on the submitted claim thoroughly within 24 hours following the reporting of the injury.
2. Notify the OWCP promptly in the event of a disagreement with the validity of a claim. Provide evidence as to why the claim should not be accepted. Ensure that all of the evidence is timely, relevant, and factual to help reduce decision error.
3. Monitor the progress of all claims on an ongoing basis and take action, where appropriate, to resolve claim discrepancies.

4. Work with the supervisor and physician to reengineer the job or place the injured employee in another job (i.e., light duty) during recovery.
5. Review claims cost statements from the OWCP on an ongoing basis. Look for and correct claims errors.
6. Ensure supervisory training, including controversion procedures, is provided to all supervisors as required.
7. Assist supervisors, as needed, to controvert claims.

WORKERS' COMPENSATION ADMINISTRATOR'S GUIDELINES FOR MONITORING WORKERS' COMPENSATION CASES.

1. Keep in contact with the injured worker on a regular basis. Provide support and encouragement to the worker. Keep informed of the issues, as they develop, so that return-to-work plans can be made and rehabilitation assistance can be offered.
2. Contact the worker at least once a week when the injuries sustained are of a minor nature (i.e., strain, sprain, cut, bruise, etc.).
3. Communicate with the worker at least once every 2 weeks on long-term claims.
4. Contact OWCP and ask whether a medical examination by an OWCP medical advisor could be arranged in cases where the recovery seems prolonged.
5. Devise a return-to-work program. Contact the worker's physician and explain the nature of the work available which may be suitable, given the worker's injury. Let the doctor give his medical opinion about whether the worker can do the work or when the worker may be able to return to work.
6. Contact the worker, OWCP and the worker's physician on a regular basis to keep apprised of the claim's progress.
7. Review copies of employee's medical bills and monitor the OWCP data on an ongoing basis.

APPENDIX 1 - GUIDELINES FOR DETERMINING QUALIFICATION FOR
COMPENSATION

1. For injuries to be accepted as compensable claims they must arise out of and in the course of employment. Injuries arising out of purely natural causes that occur in the course of employment do not qualify for compensation. Common (but not exclusive) indicators are:

- Did the injury occur on the employer's premises?
- Did the action occur in response to employer's instructions?
- Was it an action for the benefit of the employer?
- Was the employee using equipment or material supplied by the employer?
- Was the risk to the employee the same as when in normal courses of production?
- Was the employee receiving payment or other consideration from the employer?
- Was the incident in a time for which the employee was paid?
- Was the injury caused by some activity of the employee or other employee?

2. Motion at work injuries are compensable if the answer to any of the following questions is yes:

- Did an injury result from motion that was performed as a requirement of the job?
- Did the injury result from a repetition of the same motion over time?
- Did something in the employment have a particular significance in producing the injury?

APPENDIX 2 - WARNING SIGNS

Claims with two or more of the following warning signs may identify situations that require further review by the workers' compensation administrator:

Monday morning: The alleged injury occurs first thing Monday morning--or the injury occurs late on a Friday afternoon and is not reported until Monday.

Employment change: The reported accident happens immediately before or after a reduction in force announcement, job termination, layoff, or end of a big project.

No witnesses: The accident has no witnesses and the employee's own description does not logically support the cause of the injury.

Conflicting description: The employee's description of the accident conflicts with the medical history or first report of the injury.

History of claims: The employee has made numerous or suspicious claims.

Late reporting: The employee delays reporting the claim without reasonable explanation.

Hard to reach: You have difficulty contacting the claimant at home when allegedly disabled.

Changes: The employee has a history of frequently changing physicians and addresses.

APPENDIX 3 - CLAIMS CHECKLIST

The following checklist may be used by the workers' compensation administrator to ensure all claims information has been gathered to process the worker's claim in an effective and efficient manner.

In each of the questions below use a "Y" to indicate a "yes" response, or an "N" to indicate a "no" response:

___ Do the alleged injuries arise out of and in the course of employment?

___ Did the employee comply with safe working procedures?

___ Was the employee wearing personal protective equipment, if required?

___ Has the employee had a similar injury in the past?

___ Has the claimant filed for other claims in the past?

___ Was the accident investigated?

___ If the claim is suspected of being fraudulent, was it controverted with the OWCP?

___ If the claim is contested, is the installation or activity actively participating in all aspects of the appeal process?

___ Were the appropriate forms completed accurately?

___ Were the forms sent to the OWCP without delay?

___ Is the health of the injured employee being monitored regularly?

___ Will the employee be contacted weekly (minor injuries)?

___ Will the employee be contacted at least every 2 weeks (long-term claim)?

___ If the recovery seems prolonged, has the adjudicator been contacted with regard to a medical examination by an OWCP medical advisor?

___ Has a suitable return-to-work program (either modified, graduated, or full return-to-work) been considered with the employee, his physician, his supervisor, and an OWCP advisor?

___ Has the employee's physician given medical clearance for this employee to return to work?

___ If a suitable return-to-work program is not feasible because of the employee's injuries, has a retraining program been initiated?

___ If the employee is back to work, has the OWCP been notified?

___ If the employee is unable to return to his/her job, are resources identified to find the employee meaningful employment in the federal or private sector?

NOTE:

Department of Defense 1400.25-M, Subchapter 810,
Injury Compensation, Dec 96 has been updated and enclosed.

This regulation is also available on the Internet
<http://www.cpms.osd.mil>.

This regulation has been forwarded for publication.

The Army regulations on workers' compensation will be rescinded.